

Adopted	Rejected
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COMMITTEE REPORT

YES:	6
NO:	1

MR. SPEAKER:

*Your Committee on Commerce, Energy and Utilities, to which was referred Senate Bill 93, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 6-2.3-4-3 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. Gross receipts
- 5 received by:
- 6 (1) a conservancy district established under IC 14-33-20 or
- 7 IC 13-3-4 (before its repeal);
- 8 (2) a regional water, sewage, or solid waste district established
- 9 under IC 13-26 or IC 13-3-2 (before its repeal);
- 10 (3) a nonprofit corporation formed solely for the purpose of
- 11 supplying water to the public;
- 12 (4) a county solid waste management district or a joint solid waste
- 13 management district established under IC 13-21 or IC 13-9.5-2
- 14 (before its repeal);

(5) a nonprofit corporation formed for the purpose of providing a combination of:

(A) water; and

(B) sewer and sewage service;

to the public;

(6) a county onsite waste management district established under IC 36-11; or

(7) a political subdivision for sewer and sewage service; or

(8) a town with a population of not more than five hundred (500) for water service;

are exempt from the utility receipts tax."

Page 1, line 3, delete "subsection (j) and".

Page 2, line 37, after "chapter." insert **"A landlord or a person acting on a landlord's behalf is not a public utility solely by reason of engaging in activity described in section 1.2 of this chapter."**

Page 3, delete lines 16 through 27, begin a new paragraph and insert:

"SECTION 3. IC 8-1-2-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1.2. (a) As used in this section "landlord" refers to a landlord or a person acting on a landlord's behalf.**

(b) A landlord that distributes water or sewage disposal service from a public utility or a municipally owned utility to one (1) or more dwelling units is not a public utility solely by reason of engaging in this activity if the landlord complies with all of the following:

(1) The landlord bills tenants, separately from rent, for:

(A) the water or sewage disposal service distributed; and

(B) any costs permitted by subsection (c).

(2) The landlord does not increase the public utility's or the municipally owned utility's charges for the water or sewage disposal service provided.

(3) The landlord makes a disclosure to the tenant that satisfies subsection (d). A disclosure required by this subdivision must be in:

(A) the lease; or

(B) a writing separate from the lease signed by the tenant before entering into the lease.

1 (c) A landlord may charge only the following costs under
2 subsection (b)(1)(B):

3 (1) A reasonable initial set-up fee.

4 (2) A reasonable administrative fee that may not exceed four
5 dollars (\$4) per month.

6 (3) A reasonable fee for return for insufficient funds of an
7 instrument in payment of charges.

8 (d) A disclosure required by subsection (b)(3) must:

9 (1) use a font that is not smaller than the largest font used in
10 the lease; and

11 (2) include the following:

12 (A) A description of the water or sewage disposal services
13 to be provided.

14 (B) An itemized statement of the fees that will be charged
15 as permitted under subsection (c).

16 (C) The following statement: "If you believe you are being
17 charged in violation of this disclosure or if you believe you
18 are being billed in excess of the utility services provided to
19 you as described in this disclosure, you have a right under
20 Indiana law to file a complaint with the Indiana Utility
21 Regulatory Commission. You may contact the Commission
22 at (insert phone number for the tenant to contact the
23 Commission).".

24 (e) If upon a complaint filed under section 34.5 or 54 of this
25 chapter alleging that a landlord may be acting as a public utility in
26 violation of this section, the commission shall:

27 (1) consider the issue; and

28 (2) if the commission considers necessary, enter an order

- 1 **requiring that billing be adjusted to comply with this section."**
- 2 Renumber all SECTIONS consecutively.
 (Reference is to SB 93 as reprinted January 29, 2008.)

and when so amended that said bill do pass.

Representative Crooks